

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 1

DRAFT

A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, September 1, 2011 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell
Supervisor Karen Abowd, Ward 1
Supervisor Shelly Aldean, Ward 2
Supervisor John McKenna, Ward 3
Supervisor Molly Walt, Ward 4

STAFF: Larry Werner, City Manager
Randal Munn, Chief Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary
Tamar Warren, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the Board's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE

(8:30:00) - Mayor Crowell called the meeting to order at 8:30 a.m. Roll was called; a quorum was present. First United Methodist Church Retired Pastor Bill McCord provided the invocation. At Mayor Crowell's request, Supervisor Walt led the pledge of allegiance.

5. PUBLIC COMMENTS AND DISCUSSION (8:31:22) - Mayor Crowell entertained public comment. (8:31:37) Karl Neathammer reported that Detective Bob Motamenpour had recently saved the life of a child. He commended Sheriff Furlong on the professionalism exercised by his deputies. He requested the Board to recognize Detective Motamenpour by proclamation and for the Sheriff to confer the appropriate commendation.

(8:33:03) AARP Tax Aide Foundation Northern Nevada Director Gil Yanuck expressed appreciation to the Mayor, the Board members, Mr. Werner, Purchasing and Contracts Manager Kim Belt, and Information Technology Department Director John Wilkinson for the opportunity to consider some of the obsolete and surplus equipment. Mr. Yanuck advised of having obtained "a whole bunch of old, flat panel monitors ..." He presented a Certificate of Appreciation to the City and reiterated his gratitude.

(8:34:35) Pastor McCord relayed his experience, as a member of the 7th U.S. Marines Regiment, approximately 60 years ago, on September 12, 1951 in Viet Nam. Mayor Crowell entertained additional public comment; however, none was forthcoming.

(8:41:51) Mayor Crowell advised that the *Nevada Appeal* had reported that Carson City recently received the "prestigious designation of Runner-Friendly Community." Supervisor Walt thanked Parks and Recreation Commissioner Sean Lehmann for his assistance in securing the designation.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - August 4, 2011 (8:36:58) - Supervisors Abowd and Aldean noted necessary corrections. Supervisor Aldean moved to approve the minutes, as amended. Supervisor Walt seconded the motion. Motion carried 5-0.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 2

DRAFT

7. POSSIBLE ACTION TO ADOPT THE AGENDA (8:35:57) - Mayor Crowell advised of a request to modify the agenda to address item 20(E) following the consent agenda. At Mr. Werner's request, he modified the agenda to address item 24 prior to item 21. In addition, he advised that item 13(A) would be deferred to a future meeting. He entertained additional requests to modify the agenda and, when none were forthcoming, deemed the agenda adopted. (8:38:21) Mayor Crowell entertained additional requests to modify the agenda; however, none were forthcoming.

8. SPECIAL PRESENTATION OF A PROCLAMATION FOR "CONSTITUTION WEEK," SEPTEMBER 17 - 23, 2011 (8:38:28) - Mayor Crowell invited Anita Parker, representing the Battle Born Chapter of the Daughters of the American Revolution, to join him at the podium and passed the gavel to Mayor *Pro Tem* Shelly Aldean. Mayor Crowell read the language of the Proclamation into the record. (8:40:52) Ms. Parker thanked the Mayor and the Board members, and encouraged the citizens to exercise their right to vote. Mayor *Pro Tem* Aldean reported the "good news" that "even though we're in the midst of a special election, the turnout has been extraordinarily high." She thanked Ms. Parker, and returned the gavel to Mayor Crowell, who had returned to his seat at the dais.

9. CONSENT AGENDA (8:42:24) - Mayor Crowell entertained requests to hear items separate from the consent agenda. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to adopt the consent agenda, consisting of two items from the Assessor's Office; two items from Juvenile Probation; one item from Fire; one item from Finance; two items from Purchasing and Contracts; one item from Parks and Recreation; one item from the City Manager's Office, with acknowledgment of the reappointment of Brent McElhaney, Dave Saarem, Karen Purcell, and the appointment of Darrin Berger to the International Building Code Board of Appeals. Supervisor Aldean incorporated into her motion Resolution No. 2011-R-32 pertaining to item 9-6. Supervisor Abowd seconded the motion. Motion carried 5-0.**

9-1. ASSESSOR

9-1(A) POSSIBLE ACTION TO APPROVE THE REFUND AND DECREASE OF THE TAXES FOR THE 2008 / 09, 2009 / 10, 2010 / 11 AND 2011 / 12 TAX YEARS FOR PARCEL NUMBER 007-301-13, 4730 TIMBERLINE DRIVE, PURSUANT TO NRS 361.765, IN THE AMOUNT OF \$2,236.07 (\$1,651.90 REFUND, \$584.17 DECREASE)

9-1(B) POSSIBLE ACTION TO APPROVE THE CORRECTION/INCREASE OF TAXES FOR THE 2009 / 10, 2010 / 11, AND 2011 / 12 TAX YEARS FOR PARCEL NUMBER 008-523-05, 5875 HIGHWAY 50 EAST, PURSUANT TO NRS 361.765, IN THE AMOUNT OF \$159.33

9-2. JUVENILE DETENTION / PROBATION DEPARTMENT

9-2(A) POSSIBLE ACTION TO APPROVE AN INCREASE IN FEES FOR JUVENILE DETENTION SERVICES BETWEEN CARSON CITY AND OTHER LOCAL COUNTIES AND GOVERNMENTAL AGENCIES

9-2(B) POSSIBLE ACTION TO APPROVE THE CARSON CITY JUVENILE PROBATION DEPARTMENT RECEIVING \$51,028.05 IN STATE FUNDS FROM THE STATE JUVENILE JUSTICE PROGRAMS OFFICE FOR SPECIALIZED FOSTER CARE ROOM AND BOARD MEDICAID FUNDING

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 3

DRAFT

9-3. FIRE DEPARTMENT - POSSIBLE ACTION TO ADOPT CHANGES TO THE 9-1-1 SURCHARGE MASTER PLAN

9-4. FINANCE DEPARTMENT - POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY THROUGH AUGUST 23, 2011, PURSUANT TO NRS 251.030

9-5. PURCHASING AND CONTRACTS

9-5(A) POSSIBLE ACTION TO ACCEPT THE PUBLIC WORKS RECOMMENDATION TO APPROVE AMENDMENT NO. 1 TO CONTRACT NO. 1112-046, WITH V&C CONSTRUCTION, INC., TITLED "CARSON CITY WATERFALL FIRE WATERSHED IMPROVEMENTS - PHASE 3," TO CHANGE THE SCOPE OF WORK AND LOWER THE CONTRACT AMOUNT BY \$97,847.50, FOR A NOT-TO-EXCEED AMOUNT OF \$247,452.50, WITH A CONTINGENCY AMOUNT OF \$29,092.50 FROM THE NRCS 68-9327-10-13 GRANT FUND ACCOUNT, AS PROVIDED IN FY 2011 / 2012

9-5(B) POSSIBLE ACTION TO APPROVE AMENDMENT NO. 1 FOR CONTRACT NO. 0607-008, THE RENEWAL OF THE CONTRACT THROUGH AUGUST 1, 2016, FOR PARK AND PLAYGROUND EQUIPMENT WITH GREAT WESTERN PARK AND PLAYGROUND TO PROVIDE GAME TIME PRODUCTS AND MIRACLE PLAYGROUND SALES SOUTHWEST TO PROVIDE MIRACLE RECREATION EQUIPMENT COMPANY PRODUCTS

9-6. PARKS AND RECREATION DEPARTMENT - POSSIBLE ACTION TO ADOPT A RESOLUTION ADOPTING AND APPROVING A TIME EXTENSION FROM A PREVIOUS AGREEMENT BETWEEN CARSON CITY AND THE STATE OF NEVADA, DIVISION OF STATE PARKS, FOR THE INSTALLATION OF AN OVERHEAD NIGHT TIME LIGHTING SYSTEM AT THE BMX TRACK IN THE EDMONDS SPORTS COMPLEX

9-7. CITY MANAGER - POSSIBLE ACTION TO APPOINT FOUR MEMBERS TO THE INTERNATIONAL BUILDING CODE BOARD OF APPEALS: BRETT McELHANEY TO FILL THE CIVIL / STRUCTURAL ENGINEER POSITION FOR A TWO-YEAR TERM, ENDING JANUARY 2013; DAVE SAAREM TO FILL THE MECHANICAL ENGINEER POSITION FOR A TWO-YEAR TERM, ENDING JANUARY 2013; KAREN PURCELL TO FILL THE ELECTRICAL ENGINEER POSITION FOR A TWO-YEAR TERM, ENDING JANUARY 2013; DARRIN BERGER TO FILL THE REGISTERED ARCHITECT POSITION FOR A TERM ENDING JANUARY 2012

10. RECESS BOARD OF SUPERVISORS (8:43:58) - Mayor Crowell recessed the Board of Supervisors at 8:43 a.m.

LIQUOR AND ENTERTAINMENT BOARD

11. CALL TO ORDER AND ROLL CALL (8:44:01) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:44 a.m. Roll was called; a quorum was present, including Member Furlong.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 4

DRAFT

12. POSSIBLE ACTION ON APPROVAL OF MINUTES - August 4, 2011 (8:44:24) - Member Aldean moved to approve the minutes, as presented. Member Abowd seconded the motion. Motion carried 6-0.

13. PUBLIC WORKS DEPARTMENT, BUSINESS LICENSE DIVISION

13(A) POSSIBLE ACTION TO APPROVE STACY REUTZEL AS THE LIQUOR MANAGER FOR SMITH'S FOOD AND DRUG STORE, LIQUOR LICENSE NO. 11-4042, LOCATED AT 599 EAST WILLIAM STREET, CARSON CITY - Withdrawn.

13(B) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 107, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 4, LICENSES AND BUSINESS REGULATIONS, CHAPTER 13, LIQUOR BOARD AND LIQUOR LICENSING AND SALES, BY AMENDING SECTION 4.13.125, ISSUANCE OR DENIAL OF A LICENSE, ADDING THAT A CARSON CITY EMPLOYEE WHO OVERSEES OR ENFORCES THE RULES AND REGULATIONS OF LIQUOR LICENSES MAY NOT HAVE ANY INVOLVEMENT IN AN ESTABLISHMENT THAT SERVES, SELLS, OR DISPENSES ALCOHOL, SECTION 4.13.220, DEFINITIONS, CHANGING THE SHORT-TERM PERMITS TO SPECIAL EVENT LIQUOR PERMITS, SECTION 4.13.240, APPLICATION FOR A SPECIAL EVENT LIQUOR PERMIT, CLARIFYING WHEN A SPECIAL EVENT LIQUOR PERMIT IS REQUIRED AND THE APPLICATION PROCESS (8:44:53) - Chairperson Crowell introduced this item, and Principal Planner Jennifer Pruitt introduced Senior Permit Technician Lena Tripp. Ms. Pruitt referred the board members to Section 4.13.125(e) of the proposed ordinance included in the agenda materials. Member Furlong suggested changing the language of subsection e to prohibit a liquor license being issued to members of the board or law enforcement personnel. In response to a question, he expressed the opinion that the existing "mechanisms ... are very, very good. We receive a substantial amount of information on a background investigation. All of those persons who come before the board that are receiving a liquor license must get a face-to-face approval for that activity such as we would have done today. ... In that background investigation, it's always going to contain information whether or not there is a conflict." In response to a question, Mr. Munn suggested revising the language of subsection e, as follows: "Except any elected Carson City officer or any member of the Carson City Board of Supervisors, a Carson City employee who oversees or enforces the rules and regulations of liquor licenses shall not individually possess a liquor license." He noted that the exception for the Board of Supervisors would continue so that an individual who owns a business and perhaps doesn't have a spouse can still run for office. Member Furlong expressed approval of the revised language, noting its consistency with "our counterparts in gaming." At Chairperson Crowell's request, Mr. Munn re-read the suggested revision to Section 4.13.125(e). Discussion followed.

In response to a question, Ms. Pruitt advised that Planning Division and Business License Division staff met with Parks and Recreation Department staff regarding their special event permitting process. She further advised that the two processes will continue to be separate. "... we basically clarified that Parks and Rec has their process. The Business License Division has their process and Parks and Rec will continue to regulate their process as they've been doing for their permitting. So there was no need for a cross reference." Member Aldean discussed the importance of designating a separate process "because there was some confusion expressed ... about whether they come to [the Business License Division] or go to Parks and Rec when they want to hold an event in a City park." She suggested a footnote relative to rental of parks facilities. Planning Division Director Lee Plemel expressed concern over codifying a process which

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 5

DRAFT

might be further revised in the future. “The requirements to get a temporary liquor license are in there and that’s regardless of whether you’re doing it in a park or somewhere else ...” Mr. Plemel assured the board that both processes are consistent with the requirements, and reiterated concern over codifying the same. Discussion followed, and Member Aldean suggested providing information at the front desks of the Business License Division and the Parks and Recreation Department. Ms. Pruitt advised of a meeting scheduled with Parks and Recreation Department staff to ensure no duplication of effort and “that the process runs smoother.”

In response to a question, Mr. Munn explained the purpose of the word “Except” at the beginning of Section 4.13.125(e). Discussion followed, and Member Aldean suggested indicating the exception at the end of the subsection rather than at the beginning.

Chairperson Crowell entertained public comment. (9:01:51) Maurice White inquired as to whether the proposed language would preclude City employees and officers from participating in liquor licensed establishments outside the jurisdiction of Carson City. At Chairperson Crowell’s request, Mr. Munn read the revised language into the record, as follows: “A Carson City employee who oversees or enforces the rules and regulations of liquor licenses shall not individually possess a liquor license, except any elected Carson City officer or a member of the Carson City Board of Supervisors.” Mr. Munn acknowledged that the language does not preclude a City employee or officer from participating in a liquor licensed established in another jurisdiction. At Member Aldean’s suggestion, Mr. Munn added the language “... possess a liquor license *in Carson City* ...”

Chairperson Crowell entertained additional public comment and, when none was forthcoming, a motion. **Member Abowd moved to adopt, on second reading, Bill No. 107, as amended, an ordinance amending the Carson City Municipal Code, Title 4, Licenses and Business Regulations, Chapter 13, Liquor Board and Liquor Licensing and Sales, by amending Section 4.13.125, Issuance or Denial of a License, adding that a Carson City employee who oversees or enforces the rules and regulations of liquor licenses may not have any involvement in an establishment that serves, sells, or dispenses alcohol; Section 4.13.220, Definitions, changing short-term permits to special events liquor permits; Section 4.13.240, Application for a Special Event Liquor Permit, clarifying when a special event liquor permit is required and the application process. Member McKenna seconded the motion.** Mr. Werner noted the Ordinance No. 2011-7, and **Member Abowd so amended her motion. Member McKenna continued his second.** In response to a question, Mr. Munn suggested that the motion should include the amended language at Section 4.13.125(e). In response to a further question, **Member Abowd moved to adopt, on second reading, Bill No. 107, an ordinance, Ordinance 2011-7, amending the Carson City Municipal Code, Title 4, Licenses and Business Regulations, Chapter 13, Liquor Board and Liquor Licensing and Sales, by amending Section 4.13.125, Issuance or Denial of a License, adding a Carson City employee who oversees or enforces the rules and regulations of liquor licenses shall not individually possess a liquor license in Carson City, except any elected Carson City officer or any member of the Carson City Board of Supervisors; Section 4.13.220, Definitions, changing short-term permits to special events liquor permits; and Section 4.13.240, Application for a Special Event Liquor Permit, clarifying when a special event liquor permit is required and the application process. Member McKenna seconded the motion.** Chairperson Crowell deemed the original motion withdrawn, and entertained discussion. When none was forthcoming, he called for a vote on the pending motion. **Motion carried 6-0.**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 6

DRAFT

14. ACTION TO ADJOURN LIQUOR AND ENTERTAINMENT BOARD (9:09:23) - Chairperson Crowell adjourned the Liquor and Entertained Board meeting at 9:09 a.m.

15. RECONVENE BOARD OF SUPERVISORS (9:09:27) - Mayor Crowell reconvened the Board of Supervisors at 9:09 a.m.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

16. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:09:36) - None.

17. PUBLIC WORKS DEPARTMENT, BUSINESS LICENSE DIVISION

17(A) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 108, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 4, LICENSES AND BUSINESS REGULATIONS, CHAPTER 4.03, NATIONAL BACKGROUND CHECKS, BY ADDING LOCKSMITHS OR SAFE MECHANICS AND TAXICAB LICENSES TO THE LIST OF BUSINESSES REQUIRING A BACKGROUND CHECK (9:35:12) - Mayor Crowell introduced this item, and Principal Planner Jennifer Pruitt reviewed the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Walt moved to adopt, on second reading, Bill No. 108, an ordinance amending the Carson City Municipal Code, Title 4, Licenses and Business Regulations, Chapter 4.03, National Background Checks, by adding locksmiths and safe mechanics and taxicab licenses to the list of businesses requiring a background check; she noted Ordinance No. 2011-8. Supervisor McKenna seconded the motion. Motion carried 5-0.**

17(B) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 109, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 4, LICENSES AND BUSINESS REGULATIONS, CHAPTER 4.04, BUSINESS LICENSE, BY DELETING SECTION 4.04.014, OFF-PREMISE SALES, CHANGING THE NAME OF SECTION 4.04.077 TO SPECIAL EVENT PERMIT, AMENDING SECTION 4.04.005, DEFINITIONS, BY ADDING AND EXPANDING DEFINITIONS, AMENDING SECTION 4.04.020, FEES AND EXEMPTIONS FROM FEES, TO INCREASE FEES, AND BY AMENDING SECTION 4.04.031, SQUARE FOOTAGE FEES TO INCREASE FEES, AND BY AMENDING SECTION 4.04.040, FEES FOR EMPLOYEES, BY INCREASING FEES, AND BY AMENDING SECTION 4.04.075, SHORT-TERM BUSINESS LICENSE, BY CHANGING THE PERIOD OF CONSECUTIVE DAYS A SHORT-TERM LICENSE CAN BE HELD, AND BY AMENDING SECTION 4.04.077, CHANGING THE SPECIAL EVENT PERMIT SECTION BY PROVIDING A MORE DETAILED APPLICATION PROCESS AND EXPANDING THE CONDITIONS AND REQUIREMENTS OF A SPECIAL EVENT PERMIT TO INCLUDE THE FORMER CHAPTER 4.28, ASSEMBLIES, INTO THE SPECIAL EVENT PERMIT SECTION, AND BY AMENDING SECTION 4.04.180, ISSUANCE OF LICENSE OR PERMIT APPEAL TO PROVIDE GROUNDS FOR DENIAL, AND AMENDING OTHER CHAPTER 4.04 SECTIONS REGARDING MATTERS PROPERLY RELATED THERETO (9:37:00) - Mayor Crowell introduced this item, and Ms. Pruitt reviewed the agenda materials. Mayor Crowell entertained public comment; however, none was forthcoming. In response to a question, Mr. Werner explained the provisions of Section 4.04.077(c). In response to a further question, he reviewed the application review process.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 7

DRAFT

Mayor Crowell called again for public comment and, when none was forthcoming, entertained a motion. **Supervisor Abowd moved to adopt, on second reading, Bill No. 109, an ordinance amending Carson City Municipal Code, Title 4, Licenses and Business Regulations, Chapter 4.04, Business License, by deleting Section 4.04.014, Off-Premise Sales, changing the name of Section 4.04.077 to Special Event Permit, amending Section 4.04.005, Definitions, by adding and expanding definitions, amending Section 4.04.020, Fees and Exemptions from Fees, to increase fees, and by amending Section 4.04.031, Square Footage Fees, to increase fees, and by amending Section 4.04.040, Fees for Employees, by increasing fees, and by amending Section 4.04.075, Short-Term Business License, by changing the period of consecutive dates a short-term license can be held, and by amending Section 4.04.077, changing the special event permit section, by providing a more detailed application process and expanding the conditions and requirements of a special event permit to include the former Chapter 4.28, Assemblies, into the special event permit section, and by amending Section 4.04.180, Issuance of License or Permit Appeal, to provide grounds for denial, and amending other Chapter 4.04 sections regarding matters properly related thereto; she noted Ordinance No. 2011-9. Supervisor Walt seconded the motion. Motion carried 5-0.**

17(C) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 110, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 4, LICENSES AND BUSINESS REGULATIONS, CHAPTER 4.28, ASSEMBLIES, BY DELETING THE CHAPTER IN ITS ENTIRETY (9:43:55) - Mayor Crowell introduced this item, and Supervisor Walt noted a correction to the Recommended Board Action section of the agenda report. Ms. Pruitt reviewed the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. Supervisor Aldean moved to adopt, on second reading, Bill No. 110, Ordinance No. 2011-10, an ordinance amending the Carson City Municipal Code, Title 4, Licenses and Business Regulations, Chapter 4.28, Assemblies, by deleting the chapter in its entirety. Supervisor Abowd seconded the motion. Motion carried 5-0.

18. SHERIFF - POSSIBLE ACTION TO APPROVE THE APPLICATION AND ACCEPT THE 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - APPLICATION NO. 2011-H5630-NV-DJ (DIRECT AWARD) IN THE AMOUNT OF \$19,646.00 (9:45:47) - Mayor Crowell introduced this item, and Sheriff Furlong reviewed the agenda materials and explained the purpose of this item. Supervisor Walt commended Sheriff Furlong on the community events funded by the subject grant. Sheriff Furlong advised that all events have been expanded to include all public safety entities “and the cooperation has ... been tremendous.” Supervisor Abowd commended Sheriff Furlong, and read into the record Carson City School District trend data relative to the importance of the type of community events funded by the grant and organized by Sheriff’s Department staff. Supervisor Aldean commended Sheriff Furlong on the number of grants secured by the Sheriff’s Department which have supplemented the City’s general fund. Mayor Crowell commended Community Drug Education Coordinator Lisa Davis on being named D.A.R.E. Officer of the Year for the entire State of Nevada. Sheriff Furlong provided additional detailed information and also commended Deputy Davis as “a blessing to the Department.”

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to approve the application and accept the 2011 Edward Byrne Memorial Justice Assistance Grant - Application No. 2011-H5630-NV-DJ (direct award) in the amount of \$19,646.00. Supervisor Aldean seconded the motion. Motion carried 5-0.**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 8

DRAFT

19. ASSESSOR - POSSIBLE ACTION TO APPROVE THE REMOVAL OF THE TAXES AND PENALTIES FROM THE 2010 / 11 AND 2011 / 12 PERSONAL PROPERTY TAXES FOR COMMERCIAL BUSINESS ACCOUNT NUMBER CB 045276, SIERRA SOLAR 1, LLC, LOCATED AT 2444 FAIRVIEW DRIVE), PURSUANT TO NRS 701A.200, IN THE AMOUNT OF \$311,054.82 (9:50:58) - Mayor Crowell introduced this item. Assessor Dave Dawley reviewed the agenda materials and responded to corresponding questions of clarification. Supervisor McKenna expressed concern that there had not yet been a letter from the State Department of Taxation or a legal opinion from the District Attorney, and suggested deferring action until such time as the record can be complete. In response to a question, Mr. Dawley clarified that the \$311,054.82 was never collected; only billed. Supervisor McKenna expressed concern that there is insufficient documentation to definitively determine that the City should “give away its rights to this money.” Mr. Dawley expressed a willingness to reagentize the item once sufficient documentation is received from the State Department of Taxation. Supervisor Aldean expressed agreement with Supervisor McKenna’s concern, and advised of initial concern over the “perceived retroactivity of this.” She agreed with deferring action until such time as sufficient documentation is available to make a final determination. In response to a further question, Mr. Dawley provided additional background information on the subject item, and discussion followed.

Mayor Crowell entertained comments from Attorney Scott Scherer. (9:59:06) Attorney Scherer, representing Sierra Solar 1, LLC, provided historic information on NRS 701, as outlined in his August 9, 2011 letter included in the agenda materials. In consideration of the previous suggestion to defer action on this item, Mr. Scherer expressed concern that “because there was this dispute we were starting to get hit with penalties and interest and we want to make sure that penalties and interest are not going to accrue while there’s some delay.” He expressed a willingness to wait for the written guidance letter from the Department of Taxation, but anticipates “they’re going to do what they verbally told Mr. Dawley ...” In response to a comment, he expressed a preference for the Board to take action at this meeting and understanding for the suggestion to defer action. In response to a question, Mr. Munn advised of the need to research the City’s authority over accruing penalties and interest. Mr. Scherer advised of a provision in NRS Chapter 361 to allow the waiver of penalties and interest.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion to request the Assessor to return to the Board with a written guidance letter from the Department of Taxation. **Supervisor Walt so moved. Supervisor Aldean seconded the motion** and suggested including the suspension of any further accrual of penalties and interest, as provided for in statute. **Supervisor Walt so amended her motion. Supervisor Aldean continued her second. Motion carried 5-0.** Mayor Crowell recessed the meeting at 10:06 a.m. and reconvened at 10:19 a.m.

20. PUBLIC WORKS DEPARTMENT

20(A) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 113, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.12, SOLID WASTE MANAGEMENT, SECTION 12.12.047, LANDFILL RATES AND FEES, BY CONSOLIDATING AND MODIFYING RATE CLASSES, INCREASING OUT-OF-COUNTY RATES FOR COMPACTED, UNCOMPACTED MUNICIPAL SOLID WASTE AND CLASS III WASTE, INCREASING IN-COUNTY RATES FOR COMPACTED, UNCOMPACTED MUNICIPAL SOLID WASTE AND CLASS III WASTE, EFFECTIVE SEPTEMBER 19, 2011, AND OTHER MATTERS PROPERLY RELATED THERETO (10:19:24) - Mayor Crowell introduced

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 9

DRAFT

this item, and Public Works Department Director Andy Burnham reviewed the agenda materials. He advised of having received no comments or input since introduction of the ordinance on first reading.

Mayor Crowell entertained public comment. (10:20:03) Bruce Kittess provided an overview of the business impact statement presented at the August 4th meeting. In response to a question, Mr. Burnham advised that, “based on current tonnages that we receive today, it will increase a little over a million dollars a year in revenue.” He acknowledged that \$750,000 will be accrued in the current budget year. He further acknowledged an anticipated \$2.2 million next year “if there was no Recology ... just based on the current tonnage.” Mr. Kittess expressed the hope that “we should continue to get at least \$2.2 million.”

Mayor Crowell entertained Board member comments. Supervisor McKenna expressed no problem with increasing landfill fees, but inquired as to allocation of the revenues. He advised of having recently read that the increased revenue would be a potential funding source for the City Center project. If so, he expressed a preference to “see it pushed off and discussed as part of the City Center project and not have any rate increases. If it’s going to go to buy the Sheriff new cars and to meet our other obligations,” he advised of no problem. He expressed concern that the revenues will be allocated to the general fund as a “source of additional spending for ... new ... or different services.” Mr. Werner advised that allocation of the revenues is a Board decision. “Regardless, we still think the rate [increases] need to occur because of the issues that we’re having with the landfill. Either we go with Recology or we go with our own and ... in the meantime, it would help us resolve some of the potential general fund issues that are upcoming.” Mr. Werner assured the Board that City staff would not develop or implement new programs without the Board’s direction.

Supervisor Aldean expressed support for the ordinance, and noted that her motion, on first reading, specifically stated that the rate increase was not directly related to the proposed Recology contract. She expressed the opinion that, regardless of how the increased revenues are used, “they’re needed and we still remain competitive on a regional basis.”

Mayor Crowell entertained additional comments and, when none were forthcoming, a motion. **Supervisor Aldean moved to adopt, on second reading, Bill No. 113, Ordinance No. 2011-11, an ordinance amending Title 12, Water, Sewerage, and Drainage, Chapter 12.12, Solid Waste Management, Section 12.12.047, Landfill Rates and Fees, by consolidating and modifying rate classes, increasing out-of-county rates for compacted, uncompacted municipal solid waste and class III waste, increasing in-county rates for compacted, uncompacted municipal solid waste and class III waste, effective September 19, 2011, and other matters properly related thereto. Supervisor Abowd seconded the motion. Motion carried 4-1.**

20(B) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 114, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.01, WATER CONNECTION CHARGES AND USE RATES, SECTION 12.01.020, SCHEDULE OF RATES, BY INCREASING RATES 5 PERCENT EFFECTIVE ON BILLS DATED ON OR AFTER OCTOBER 1, 2011; AMENDING SECTION 12.01.030, SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES, BY INCREASING CHARGES AND FEES BY 5 PERCENT ON BILLS DATED ON OR AFTER OCTOBER 1, 2011, AND OTHER MATTERS PROPERLY RELATED THERETO (10:27:18) - Mayor Crowell introduced this item, and Mr. Burnham advised of not having received any public

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 10

DRAFT

comments since introduction on first reading. He explained that the revenues will be principally allocated to relocation of water facilities as part of the freeway project. "None of these fee increases will pay for the proposed City Center project."

Mayor Crowell entertained public comment. (10:28:12) Gil Yanuck thanked Mr. Burnham and Public Works Operations Manager Ken Arnold for taking time to meet with him, and for providing him with information and data on water usage by both residential and commercial customers in Carson City. He provided an overview of research into the conservation rate, the purpose for which he interpreted as "an incentive for residential users to reduce water consumption." He requested the Board to "recognize that there are situations where a residential user has no alternative, especially when the cost to undo what a previous owner established for landscaping is cost prohibitive to re-do." He requested the Board to consider that some of the residential users "have really exhibited proof that they have tried and actually been successful in reducing consumption substantially; like in my case, 40 percent," and suggested, "there ought to be something that they get for it." He provided an overview of the conservation rate mechanism and the commercial rate mechanism. "... a commercial user can get into the 50,000 gallon rate, keep using water and doesn't pay any extra for going over 50,000 no matter how much they use." He expressed the opinion that "it doesn't seem fair." He suggested reviewing the rate structure for residential and commercial water customers.

Mayor Crowell entertained additional public comment. (10:33:17) Maurice White requested clarification of a Debt Management Commission action relative to water and sewer rate increases. Finance Department Director Nick Providenti explained that additional capital expenditure projects cannot be done with revenues from current rates. "We would have to have rate increases in order to service the debt to do these additional projects."

Mayor Crowell entertained additional public comment and, when none was forthcoming, additional Board member comments. Mayor Crowell advised of having requested City staff to have a third-party rate designer review the City's water rate design. He emphasized that there would be no cost. Supervisor Aldean thanked Mr. Yanuck for his conscientious efforts to conserve water.

Mayor Crowell entertained a motion. **Supervisor McKenna moved to adopt, on second reading, Bill No. 114, an ordinance amending Title 12, Water, Sewerage, and Drainage, Chapter 12.01, Water Connection Charges and Use Rates, Section 12.01.020, Schedule of Rates, by increasing rates five percent, effective on bills dated on or after October 1, 2011; amending Section 12.01.030, Schedule of Water Connection Charges, Lateral and Meter Box Sets, and Meter Set Fees, by increasing charges and fees by five percent, on bills dated on or after October 1, 2011, and other matters properly related thereto, Ordinance No. 2011-12. Supervisor Abowd seconded the motion. Motion carried 5-0.**

20(C) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 115, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.03, SEWER CONNECTION CHARGES AND USE RATES, SECTION 12.03.020, SCHEDULE OF RATES, BY INCREASING ALL RATES 14 PERCENT ON BILLS DATED ON OR AFTER OCTOBER 1, 2011, AND OTHER MATTERS PROPERLY RELATED THERETO (10:38:01) - Mayor Crowell introduced this item, and Mr. Burnham reviewed the agenda materials. He advised that the revenues will be allocated to utilities relocation relative to the freeway, the Conte Drive Sewer Extension

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 11

DRAFT

Project, and retrofit of sewer manholes and sewer lines. He advised of having received no comments since introduction on first reading.

Mayor Crowell entertained public comment and, when none was forthcoming, Board comments. When none were forthcoming, he entertained a motion. **Supervisor McKenna moved to adopt, on second reading, Bill No. 115, an Ordinance 2011-13, amending Title 12, Water, Sewerage, and Drainage, Chapter 12.03, Sewer Connection Charges and Use Rates, Section 12.03.020, Schedule of Rates, by increasing all rates 14 percent, on bills dated on or after October 1, 2011, and other matters properly related thereto. Supervisor Aldean seconded the motion. Motion carried 5-0.**

20(D) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 116, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 12, WATER, SEWERAGE, AND DRAINAGE, BY REVISING CHAPTER 12.09, FLOOD DAMAGE PREVENTION, BY ADDING DEFINITIONS AND CLARIFYING AND MODIFYING PREVIOUS DEFINITIONS OF SECTION 12.09.020, DEFINITIONS, BY AMENDING SECTION 12.09.040, DECLARATION OF PURPOSE, BY CORRECTING MISUSED WORDS AND ADDING THE ADDITIONAL PURPOSE OF MAINTAINING QUALIFYING STANDARDS FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM, AND BY CLARIFYING THE LANGUAGE OF SECTION 12.09.050, METHODS OF REDUCING FLOOD LOSSES, BY AMENDING SECTION 12.09.060, GENERAL PROVISIONS, BY ADDING THREE SUBSECTIONS: DECLARATION OF PUBLIC NUISANCE, UNLAWFUL ACTS, AND SEVERABILITY, BY AMENDING SECTION 12.09.070, ADMINISTRATION, BY CHANGING THE REQUIREMENT OF DEVELOPMENT APPROVAL TO REQUIRING A DEVELOPMENT PERMIT BEFORE CONSTRUCTION OR DEVELOPMENT BEGINS WITHIN ANY AREA OF SPECIAL FLOOD HAZARD AND BY ADDING INFORMATION WHICH SHALL BE ON THE APPLICATION FOR A DEVELOPMENT PERMIT AND BY ADDING THE REQUIREMENT OF SUBMISSION OF NEW TECHNICAL DATA TO FEMA, BY MODIFYING THE REQUIREMENTS OF SECTION 12.09.080, BY ADDING A FREEBOARD REQUIREMENT OF TWO FEET FOR LOWEST FLOOR AND NEW STANDARDS FOR RECREATIONAL VEHICLES, STANDARDS FOR CRITICAL STRUCTURES, AND PROTECTION OF FLOODPLAIN STORAGE CAPACITY BY AMENDING SECTION 12.09.090, VARIANCE PROCEDURES, BY CLARIFYING THE NATURE OF VARIANCES, AND BY CHANGING THE NAME OF SECTION 12.09.100, TO MAP REVISION / AMENDMENT PROCEDURES, WHICH CLARIFIES AND ADDS SUBSECTIONS CONSISTENT WITH FEMA PROCEDURES, AND OTHER MATTERS PROPERLY RELATED THERETO (10:52:20) - Mayor Crowell introduced this item, and Flood Plain Administrator Robb Fellows reviewed the agenda materials. He advised of having made the corrections requested at introduction on first reading and, at Mayor Crowell's request, reviewed the same.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to adopt, on second reading, Bill No. 116, Ordinance No. 2011-15, an ordinance amending Carson City Municipal Code, Title 12, as amended and published. Supervisor Walt seconded the motion. Motion carried 5-0.**

20(E) POSSIBLE ACTION TO APPROVE AND AUTHORIZE THE CITY MANAGER TO SIGN AN AGREEMENT BETWEEN JOOST LAND AND CATTLE COMPANY, INC., DAVID

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 12

DRAFT

LEID, AND CARSON CITY REGARDING THE PURCHASE AND EXCHANGE OF PROPERTY, FOR A SUM NOT TO EXCEED \$595,000.00 (9:09:49) - Mayor Crowell introduced this item, and Deputy Public Works Director Darren Schulz reviewed the agenda materials. In response to a question, he advised that the funding source will be the bonds which will be heard later in the meeting. He acknowledged that the project cost had been budgeted.

Supervisor Aldean provided historic information on the Wellington Crescent access easement, and expressed concern that approval of the agreement “tacitly acknowledge[s] that the easement doesn’t exist.” She requested reassurance from the District Attorney’s Office that “we are not intending to do anything that is going to affect the marketability or development potential of any properties to the west of this property.” Mr. Werner explained that the old right-of-way which existed in 1862 only provides surface rights “so you still do not have any underlying right for any utility work at all. ... so trying to re-establish the old Ash Canyon Road really didn’t accomplish anything ... so, effectively, we’re taking all the same restrictions that apply today and moving those to a different location. It does not improve the masons or anybody else’s property and it won’t allow them any more benefit than they have today but it also does not take away any benefit that they have today because they really don’t have any. And that’s the problem.” Mr. Werner expressed agreement with Supervisor Aldean’s concerns, “but we could not go back and re-establish, under 1862, any ability to do any future development in that area and this does not change that.” In response to a question, Mr. Schulz described the proposed width of “typical access ... up and out of there.” He estimated 40 feet and acknowledged it will accommodate two-way traffic. Mr. Werner explained that, as a wilderness road, it will not be paved. “It’s allowed under statute. It’s an access road that effectively this Board can also say we don’t even maintain it. It’s a public open roadway for access but it doesn’t necessarily have to be maintained. It doesn’t have to be built to any of our standards by statute.”

In reference to the provisions of paragraph 5.1.1, Supervisor Aldean expressed concern over the route being designated on a trails map not published by the City. She suggested adding language to indicate that the route will not be referenced on any map “as officially authorized by the City.” Discussion followed. Mr. Munn advised that the agreement had already been signed by Karen Joost, and expressed concern that any revision may be perceived as material. Mr. Werner provided additional clarification of the concern, and expressed further concern that Ms. Joost may back out of the agreement. Supervisor Aldean suggested presenting such agreements in preliminary form “so [the Board] can weigh in prior to it being a done deal.” In reference to a concern regarding Section 6.3.4.1, Mr. Schulz assured the Board that parcel 2 legally exists. He acknowledged that an adequate City access easement to parcel 2 from Ash Canyon Road has been created. He further acknowledged that the mutually beneficial lot line adjustments will be accomplished with no additional cost. “It will change that easement into an access by lot line adjustment.” Supervisor Aldean noted that the closing date should be designated as October 15th rather than September 30th. Mr. Schulz acknowledged that most of the due diligence is already accomplished. “Everybody was comfortable with what we were getting so there was no formal feasibility going to be done.” Supervisor Aldean reiterated the recommendation to preliminarily present agreements to the Board to provide the opportunity for meaningful input.

In response to a question, Mr. Schulz explained that “95 percent of the erosion that’s happening today is because of the existing access road. Our plan is, once we acquire this property, to go in there and remove that road and basically re-contour the land so that the erosion goes back to more of a natural ... and then develop some detention basins at the bottom to collect it and let it out slowly without sediment.” Supervisor McKenna advised of Wellington Crescent property owners who have fence line on the east side

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 13

DRAFT

of the Joost property. In response to a further question, Mr. Schulz advised of the intent “to be about 100 to 150 feet further to the west of that fence line with the proposed road. Because of the slope of the property, we have to somewhat wind that road up and through to get up that slope so there’s limitations to where we can go ...” Supervisor McKenna requested Public Works Department staff to talk to the Wellington Crescent homeowners, and Mr. Schulz committed to doing so. Supervisor McKenna requested to discuss very specific language relative to a public municipal trail system relative to the subject agreement.

Mr. Schulz reiterated acknowledgment that the project had been budgeted. In response to a question, he anticipates the project will begin in October in consideration of the upcoming flood season. Mr. Werner reiterated that the roadway will be gravel. Mr. Schulz explained that people will not be allowed to stop and park at the end of Ash Canyon Road and then walk up the new road. “The idea is if you’re accessing the wilderness, you’ve got to keep on driving right up this road. The road will be fenced on either side. You’re not allowed to access this property and get up past this property ...” Mr. Schulz acknowledged that access to the Ash Canyon Creek Trail will still be accessible. In response to a further question, he pointed out the property “just to the north of ... our current access road” which the Open Space Advisory Committee is considering acquiring for the Open Space Program. Mr. Werner acknowledged that the subject agreement extinguishes the sportsmen’s access easement which goes through the upper portion of Wellington Crescent.

Mayor Crowell entertained public comment. (9:30:02) Attorney Chris MacKenzie, representing the Wellington Crescent Property Owners Association, expressed support for the subject agreement and appreciation for the efforts of City staff during the negotiation process.

Mayor Crowell entertained additional public comment and, when none was forthcoming, additional Board member discussion. Supervisor McKenna disclosed that one of the Wellington Crescent homeowners on the east side, the Struells, are clients. He advised of no conflict of interest, under state law, and that he would be voting on this item. Supervisor Abowd disclosed that the Struells are also clients of hers, advised of no conflict, and that she would be voting on this item.

In consideration of Supervisor Aldean’s earlier comments, Mayor Crowell suggested that staff provide periodic updates during negotiations of such agreements. He entertained a motion. **Supervisor Abowd moved to approve and authorize the City Manager to sign an agreement between Joost Land and Cattle Company, Inc., David Leid, and Carson City regarding purchase and exchange of property for a sum not to exceed \$595,000.00. Supervisor McKenna seconded the motion. Motion carried 5-0.** Supervisor McKenna requested the City Manager to work with the Board to create necessary definitions to address concerns expressed at this meeting. Mr. Werner committed to doing so.

21. OFFICE OF BUSINESS DEVELOPMENT - POSSIBLE ACTION TO ADOPT A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$12,000 FROM THE FISCAL YEAR 2011 / 12 REVOLVING FUND OF THE REDEVELOPMENT AGENCY TO SUPPORT THE GHOST WALK EVENT IN CARSON CITY AS AN EXPENSE INCIDENTAL TO CARRYING OUT THE REDEVELOPMENT PLAN (10:54:51) - Mayor Crowell introduced this item. Planning Division Director Lee Plemel provided background information and reviewed the agenda materials. He explained that Mary Bennett was unable to attend this meeting due to a scheduling conflict, but had requested that the Board hear the subject item “on its merits.”

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 14

DRAFT

Mr. Werner clarified a statement in Mr. Plemel's July 22, 2011 memo included in the agenda materials in that the Carson City Convention and Visitors Bureau ("CCCVB") Special Events Committee took no action to fund the Ghost Walk event. Supervisor Aldean further clarified that, although the CCCVB Special Events Committee did not take action to fund the event, they did not make a recommendation that the Redevelopment Authority taken action to not fund the event. Discussion took place regarding the procedure associated with this item being agendized for this meeting.

Supervisor Walt advised that the marketing and publicity firm is not specifically billing Mary Bennett for the Ghost Walk event. She further advised that Ms. Bennett had paid for the event posters, and that she "would have a hard time funding the entire \$12,000. [She] would want to take off, possibly, the publicity part of that and the marketing for the funding for this event." In response to a question, Supervisor Walt expressed the opinion that the CCCVB developed an ideal transition plan for the Rendezvous event, which she described. Supervisor Aldean expressed concern that the time frame for transitioning the Ghost Walk event has been shortened. In response to a further question, she advised that the events coordinator who took over the Rendezvous event was able to utilize CCCVB staff. She noted that Ms. Bennett has been doing the Ghost Walk event.

Supervisor Aldean reviewed various line items in the event budget, which was included in the agenda materials, and suggested "we're making progress." She expressed a preference for supporting Ms. Bennett "to see if she can carry this off and execute a good event. And then we'll see, whether or not between now and next year, she can generate the sort of independent and private support that she needs to fund [the event] independently of redevelopment."

Supervisor Abowd advised of mixed feelings due to the budget seeming to increase each year. She expressed agreement with Supervisor Walt's concerns relative to the marketing and advertising costs being "a bit clouded." She suggested matching the income from last year, in the amount of \$6,539.00, to help Ms. Bennett execute the event for the coming year.

Supervisor Walt expressed support for the event in a lesser amount, and reiterated concern relative to the marketing costs. "If you deducted that off, it would bring you down to \$7,000." Additional discussion followed regarding the marketing expenses.

Mayor Crowell recessed the meeting at 11:15 a.m. in order for Mr. Plemel to contact Ms. Bennett by telephone. Mayor Crowell reconvened the meeting at 11:27 a.m., and invited Mary Bennett to the podium. (11:27:39) In response to a question, Ms. Bennett advised that she is not working with Whiting Public Relations. "Everything that's been created, I've created on my own. ... I designed the poster, I've done the press release and I'm taking it through the Carson City Ghost Walk of all that I'm doing." In response to a question, she reviewed proposed allocation of the \$5,000 marketing and publicity budget. She discussed partnerships and potential partnerships with community restaurateurs and business owners.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to adopt Resolution No. 2011-R-33, a resolution authorizing the expenditure of \$12,000 from the FY 2011 / 2012 revolving fund of the redevelopment authority to support the Ghost Walk event in Carson City as an expense incidental to carrying out the redevelopment plan. Supervisor Abowd seconded the motion. Motion carried 5-0.** Supervisor Aldean wished Ms. Bennett

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 15

DRAFT

good luck. At Supervisor Walt's request, Ms. Bennett advised that the Ghost Walk event is scheduled for Saturday, October 22nd, beginning at 10:00 a.m. She thanked the Board.

22. PUBLIC WORKS DEPARTMENT, PLANNING AND ZONING DIVISION - POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 111, AN ORDINANCE TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY, FB HOLDINGS, LLC, AND RYDER-DUDA CARSON, LLC, REGARDING THE DEVELOPMENT OF A COMMON OPEN SPACE DEVELOPMENT, KNOWN AS SCHULZ RANCH, LOCATED BETWEEN CENTER DRIVE AND SCHULZ DRIVE, APNs 009-311-64, -65, -67, -68, 010-671-06, -07, -08, -09, -10, -11, -12, -13, -14, AND -15, TO EXTEND THE APPROVAL OF THE TENTATIVE MAP, AND OTHER MATTERS PROPERLY RELATED THERETO (11:33:17) - Mayor Crowell introduced this item, and Planning Division Director Lee Plemel advised of no changes since introduction on first reading. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to adopt Bill No. 111, on second reading, Ordinance No. 2011-16, an ordinance to approve a development agreement between Carson City, FB Holdings, LLC, and Ryder-Duda Carson, LLC, regarding the development of a common open space development, known as Schulz Ranch, located between Center Drive and Schulz Drive, APNs 009-311-64, -65, -67, 68; 010-671-06, -07, -08, -09, -10, -11, -12, -13, -14, and -15, to extend the approval of the tentative map, and other matters properly related thereto. Supervisor McKenna seconded the motion. Motion carried 5-0.** Mayor Crowell congratulated Susan Dorr on her upcoming marriage.

23. HUMAN RESOURCES DEPARTMENT - DISCUSSION AND POSSIBLE ACTION TO DIRECT THE HUMAN RESOURCES DIRECTOR TO OBTAIN SERVICES TO PROVIDE A 360-DEGREE EVALUATION OF THE CITY MANAGER DURING THE NEXT EVALUATION PERIOD (11:35:26) - Mayor Crowell introduced this item, and Human Resources Department Director Melanie Bruketta reviewed the agenda materials. She responded to corresponding questions of clarification. Supervisor Aldean discussed her experience with 360-degree evaluations relative to her TRPA Governing Board service. Discussion followed with regard to the associated costs, purpose, and benefits of the proposed evaluation process.

Mayor Crowell entertained public comment. (11:48:54) Bruce Kittess expressed the opinion that the proposed evaluation would be more valuable in consideration of the current economic times.

Mayor Crowell entertained additional public comment and, when none was forthcoming, additional Board comments. In response to a question, Ms. Bruketta reviewed various cost estimates. Supervisor McKenna inquired as to the likelihood that anything will be gained to justify the expense of time and money associated with the proposed evaluation. Supervisor Aldean discussed the importance of transparency; of good and open communication. She expressed the opinion that the proposed evaluation "moves us closer to that objective especially when you include in the evaluation people that [Mr. Werner] ... interfaces with on a consistent basis." She expressed the opinion that the proposed evaluation "is symbolically important, but also ... the end result is useful to the person being evaluated." Supervisor Abowd inquired as to the possibility of utilizing the operations scorecard to accomplish the same objective. Ms. Bruketta advised that the operations scorecard will be used to determine whether the City Manager meets his goals and objectives. The proposed evaluation "is more for Mr. Werner to use to make a decision as to whether or not he believes he needs personal growth in certain skill sets." Supervisor Aldean expressed understanding for the importance of fiscal conservation, and concern that previous evaluations have been very informal.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 16

DRAFT

“This takes it a step further ... and it does incorporate into the evaluation how Larry or any City Manager is perceived by ... his customer base.”

Following additional discussion, Mayor Crowell entertained a motion. **Supervisor Walt moved to direct the Human Resources Director to obtain services to provide a 360-degree evaluation of the City Manager during the next evaluation period, not to exceed \$5,000. Supervisor Abowd seconded the motion. Motion carried 4-1.**

24. FINANCE DEPARTMENT - POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 112, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 4, LICENSES AND BUSINESS REGULATIONS, CHAPTER 4.04, BUSINESS LICENSES, SECTION 4.04.107, PUBLIC UTILITIES, BY INCREASING BUSINESS LICENSE FEES ON ELECTRIC SERVICES BY 1 PERCENT AND NATURAL GAS SERVICES BY .5 PERCENT, EFFECTIVE OCTOBER 1, 2011 (10:39:38) - Mayor Crowell introduced this item, and Finance Department Director Nick Providenti reviewed the agenda materials. He advised that revenue will be allocated to help fund costs passed down from the State for assessments associated with Health and Human Services, Juvenile Services, and Parole and Probation. He further advised of having received no comments or input since introduction, on first reading, at the August 4th meeting.

Mayor Crowell entertained public comment and, when none was forthcoming, Board comments. In response to a question, Mr. Providenti explained a timing issue associated with the required publication of the bills on first reading. In response to a question, Mr. Werner advised of having received several calls and letters from State representatives advising of a letter from the Attorney General indicating “these assessments are not transfers of services.” He advised of having requested a copy of the letter, at which time he will work with the District Attorney’s Office. He advised of having received e-mail correspondence from the Department of Public Safety Director indicating that they will forward a letter from the Attorney General’s Office. He advised of having received a telephone call from Health and Human Services Department Director Willdan, who requested a meeting to discuss the method by which to ameliorate some of these issues. “But, right now, they’re all saying we owe the money.”

In response to a question, Mr. Werner advised that the City does not have the flexibility, under CAFR, to designate these as special funds. In response to a further question, he advised that the franchise fee revenues are allocated to the general fund. Supervisor McKenna expressed concern that “without having the City Center issue resolved and with statements being made that the general fund will ... fund the City Center, by passing this, we’re in essence funding the City Center.” Mr. Werner clarified that the Board first has to approve the City Center project. Supervisor Aldean read into the record the Explanation of Recommended Board Action, as outlined in the agenda report, and expressed confidence that the same delineates the intent for the revenues. Mr. Werner acknowledged the accuracy of the statement, and provided background information on the costs passed down from the State following the last legislative session.

Mayor Crowell called again for public comment. (10:46:32) Bruce Kittess expressed concern over the “aggregate of all the little pennies.”

Mayor Crowell entertained additional public comment; however, none was forthcoming. He discussed concerns relative to the costs passed down from the State. Mayor Crowell entertained a motion.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 17

DRAFT

Supervisor Abowd moved to adopt, on second reading, Bill No. 112, Ordinance No. 2011-14, an ordinance amending Carson City Municipal Code, Title 4, Licenses and Business Regulations, Chapter 4.04, Business Licenses, Section 4.04.107, Public Utilities, by increasing business license fees on electric services by one percent and natural gas services by 0.5 percent, effective October 1, 2011; the revenue generated from this increase will help fund the costs passed down from the State of Nevada for assessments associated with Health and Human Services, Juvenile Services, and Parole and Probation as a result of the 2011 Legislative Session. Supervisor McKenna seconded the motion. Motion carried 4-1. Supervisor Aldean expressed protest “against State tyranny.”

25. BOARD OF SUPERVISORS NON-ACTION ITEMS:

STATUS REVIEW OF PROJECTS

PUBLIC WORKS DEPARTMENT WATERLINE PROJECT (11:57:18) - Deputy Public Works Director Darren Schulz provided an overview of Progress Report No. 3, copies of which were distributed to the Board members and the Clerk. At Supervisor Aldean’s request, Mr. Schulz agreed to include the amount of funding spent to date. Mayor Crowell entertained public comment; however, none was forthcoming. In response to a question, Mr. Schulz advised that the Public Works Department has a very good relationship with the School District. “So far, it’s all been good and they’re on board. Basically, their biggest concern is ... what are you going to do to our buses trying to get in and out so ... that’s a big part of our contract as far as the contractor working through that.” Mayor Crowell called again for public comment; however, none was forthcoming. In response to a question, consensus of the Board was favorable toward a more formal presentation to include slides. Supervisor McKenna expressed an interest in the residents’ reaction to the project.

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (12:02:29) - In response to a question, Mr. Werner advised of having contacted CCCVB Executive Director Candace Duncan to request a joint meeting between the CCCVB and the Board. Ms. Duncan will relay the request to the CCCVB Board of Directors at their September meeting. At Supervisor Walt’s request, Mr. Werner agreed to attend the CCCVB Board of Directors meeting to answer questions. Mayor Crowell discussed the importance of getting the meeting scheduled as soon as possible.

In response to concerns regarding graffiti and weed abatement issues around the community, Mr. Werner advised of having formed a committee comprised of City department heads and officials. Discussion will include issues and concerns which aren’t clearly delineated in the Carson City Municipal Code, but yet are still problems in the community.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS - None.

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (12:07:20) - In reference to a recent newspaper article, Supervisor Aldean discussed the TRPA’s approval of the Sierra Galena project. At Supervisor Abowd’s request, Mr. Werner discussed the issue of temporary advertisements around the community. Supervisor Aldean noted that the Board has “liberalized our sign ordinance in recognition of the fact that we’re going through some very difficult economic times. And they’re taking it a step further. And if they do that, ... then we’re going to have to tighten up on those rules and regs and that’s not to anyone’s benefit.” Mayor Crowell announced a ceremony to unveil the World Trade Center

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 18

DRAFT

beam at noon on Sunday, September 11th, and a Boys and Girls Clubs fund raiser scheduled for Saturday, September 10th.

STAFF COMMENTS AND STATUS REPORT - None.

RECESS AND RECONVENE BOARD OF SUPERVISORS (12:12:14) - Mayor Crowell recessed the meeting at 12:12 p.m., and reconvened at 5:29 p.m.

26. CITY MANAGER - POSSIBLE ACTION TO APPOINT ONE MEMBER TO THE HISTORIC RESOURCES COMMISSION TO FILL AN OPEN POSITION IN ONE OF THE FOLLOWING FIELDS: ARCHITECT OR DESIGN PROFESSIONAL; BUILDING CONSTRUCTION PROFESSIONAL; ARCHAEOLOGY, ANTHROPOLOGY, HISTORY PROFESSIONAL; OR A PROPERTY OWNER WHO RESIDES WITHIN THE DISTRICT FOR A FOUR-YEAR TERM, ENDING FEBRUARY 2015 (5:29:38) - Mayor Crowell introduced this item and provided an overview of the interview process.

Mayor Crowell invited Jed Block to the podium. (5:30:37) Mayor Crowell expressed appreciation for every applicant. In response to a question, Mr. Block discussed his interest in serving as a Historic Resources Commissioner. Supervisor Abowd noted history as an asset for Carson City which directly ties to the economics of tourism. In response to a question, Mr. Block expressed an interest in assisting to expand the public outreach for the residents in the historic district, "getting more training for the preservation of their properties." He expressed a further interest in expanding education toward the historic district residents for their properties. Supervisor Aldean listed Mr. Block's extensive community involvement and inquired as to his intention relative to serving as a conscientious member of the Historic Resources Commission in consideration of his existing commitments. Mr. Block reviewed the meeting schedules of the Redevelopment Authority Citizens Committee and the Board of Equalization, and advised of the intent to resign from the Carson City Cultural Commission if appointed to the Historic Resources Commission. Supervisor Aldean inquired as to how Mr. Block would reconcile the need to preserve the historic district while, at the same time, respecting private property rights. Mr. Block expressed the opinion that property owner education relative to the assistance available through the Historic Resources Commission would make the difference. Supervisor McKenna inquired as to Mr. Block's meeting decision making / management style. Mr. Block discussed the importance of diplomacy and consensus building. Supervisor Walt inquired as to any aspect of the Historic Resources Commission which Mr. Block would change, and his interest in any particular project. Mr. Block expressed appreciation for the experience represented by the current Historic Resources Commissioners, and an interest in "bring[ing] more of a youthful exuberance ... and actually build the momentum." He expressed a further interest in developing a City museum. Mayor Crowell thanked Mr. Block for his application and for his community involvement.

Mayor Crowell invited Elizabeth Dickey to the podium and provided an overview of the interview process. (5:47:02) In response to a question, Ms. Dickey discussed her interest in serving as an Historic Resources Commissioner. In response to a further question, she advised of never having attended an Historic Resources Commission. Supervisor Walt inquired as to Ms. Dickey's interest in any special project. Ms. Dickey reiterated never having attended an Historic Resources Commission minutes, but advised of having reviewed the minutes. She expressed an interest in "more education," and commended the recent scavenger hunt as "a good, fun way to get the public involved in the historic district ..." She expressed an interest in "education in the form of workshops for homeowners, how to do repair jobs, what the Secretary of the

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 1, 2011 Meeting

Page 19

DRAFT

Interior's Standards amount to, how the Historic Resources Commission works." She expressed an interest in the Historic Resources Commission receiving the nomination through the National Register of Historic Places. "We've been a City-recognized historic district, but it's not a federally-recognized historic district. So that would be a really big honor ... There's also federal tax credits that would benefit people and building code things that would be a good benefit there." Supervisor McKenna inquired as to Ms. Dickey's meeting decision-making and management style. Ms. Dickey described her style as "very collaborative," and expressed the opinion that she has "a very good way of working with people, collaboratively, cooperatively ... Everyone's opinion, they bring something new to the table and something unique from their perspective, so ... it's very much getting to know the full scope of the problem in the project, being able to break it down and keep in mind what's really important, what's your priority. A lot of times with commissions ... you get mired down into who's doing what and the little bitty, politics of it and you lose sight of the really important priority which is maintaining an historic resource." She described her management style as "work[ing] with people rather than dictating ..." Supervisor McKenna inquired as to what Ms. Dickey would change in the historic district. Ms. Dickey described the historic district as "very lovely," and was unaware of anything that needed changing. She suggested "more opportunities for people to be aware of what's going on, something like a newsletter that homeowners, property owners, business owners could receive so that they would be more in touch with what's going on."

Supervisor Aldean thanked Ms. Dickey for her application, and described a building on Division Street which underwent a metamorphosis. "It was described as a preservation undertaking but I think we ended up with two bay windows. Those were the only original portions of that building." Supervisor Aldean expressed support for private property rights, and inquired as to how Ms. Dickey would balance the need to protect private property rights against the need to preserve historic assets in the district. Ms. Dickey acknowledged the importance of property rights to Nevadans and advised of having worked in several rural Nevada areas. She related an example of the method by which she balanced private property rights and historic preservation while working as a NDOT architectural historian in Goldfield, Nevada. She reiterated the importance of collaboration in consideration of determining "what it is that the person really wants, what they need ..."

Supervisor Abowd noted that history is an asset for Carson City which directly ties to the economics of tourism. She inquired as to what Ms. Dickey will bring to the commission and to the Board of Supervisors that will increase public awareness of the value of archaeological, historic, architectural, and cultural preservation in Carson City that promotes tourism. Ms. Dickey reviewed the ways that she annually participates in Historic Preservation Month. She advised that she is the newsletter editor for the Nevada Archaeological Association. She noted her presentation skills and wide knowledge base relative to historic preservation standards. In response to a question, Ms. Dickey discussed her decision to pursue a master's degree in historic preservation. Mayor Crowell thanked Ms. Dickey for her application.

Mr. Werner responded to questions regarding the vacant commission position and the membership qualification criteria. The Board members reviewed and discussed the applicants' qualifications and experience. Following discussion, Mayor Crowell entertained a motion. **Supervisor Aldean moved to appoint Jed Block to the Historic Resources Commission to fill the resident property owner position for a four-year term, ending February 2015. Supervisor Walt seconded the motion. Motion carried 5-0.** Mayor Crowell thanked Ms. Dickey for her application. (6:06:09) Mr. Block thanked the Board, and expressed an interest in meeting with Ms. Dickey.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the September 1, 2011 Meeting
Page 20

DRAFT

27. PUBLIC COMMENT (6:07:02) - Mayor Crowell entertained public comment; however, none was forthcoming.

28. ACTION TO ADJOURN (6:07:27) - Supervisor McKenna moved to adjourn the meeting at 6:07 p.m. The motion was seconded and carried unanimously.

The Minutes of the September 1, 2011 Carson City Board of Supervisors meeting are so approved this _____ day of October, 2011.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder